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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/239,020	01/29/1999	HIDEKAZU SHIMOMURA	35.C13298	5586

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NEW YORK, NY 10112

EXAMINER

WORKU, NEGUSSIE

ART UNIT	PAPER NUMBER
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2626

DATE MAILED: 08/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/239,020

Applicant(s)

SHIMOMURA ET AL.

Examiner

Negussie Worku

Art Unit

2624

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY [check either a) or b)]**

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: 2-9.Claim(s) rejected: 1, 10-18.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

Continuation of 5. does NOT place the application in condition for allowance because: The claimed limitation of the finally rejected claims are still met by the prior art of the record.

*Aling*

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*Supplement to the Arguments*

1. Applicant's response filed June 26, 2003 have been fully considered and reviewed.

With regard to the rejection based on cited prior art, applicant argues that prior art's teaching does not satisfy for two reasons: 1) the first optical means inserted in optical path between the object and said imaging means for temporarily imaging the object in a sub-scanning direction; and 2) the second optical path does not have a power in the sub-scanning direction", as stated in page 6 of second paragraph.

However, Examiner respectfully disagree for the following reasons.

First with Examiner's rejection of claim 1-12, under 35 U.S.C.112 on the ground of the term "first optical means" as set forth in claim 1, Examiner still believes that the claim limitation "first optical means" is not specific enough as to what or which element of the optical means applicant regard as invention. The newly amended terms still need to be defined.

With regard to the first arguments, Fujimoto still discloses first optical means, (optical means can be any one of optical elements, lens 2, mirror 102 or sensor 4 of fig 1B, any one of these can be as first optical means, and have a power to move from driving means 85 through shaft 81 of fig 8, see col.6, lines 10-15) inserted in optical path between the object (original 1 of fig 1B), and said imaging means, (image sensor 103 of fig 1), for temporarily imaging the object in a sub-scanning direction, see (sub-scanning section of fig 1B).

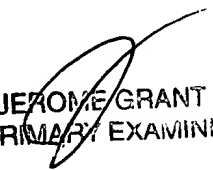
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With regard to the second argument, Fujimoto discloses the second optical path (subscanning section of fig 1B), get a power that run the whole system, 101 of fig 1B, is one example of the presence of power that comes to the system from a power source, so as to have a power in the sub-scanning direction.

Therefore, the function and disposition of the sensor in Fujimoto disclose and suggest the limitation of "first optical means" as it is broadly claimed.



08/05/03



JEROME GRANT II  
PRIMARY EXAMINER